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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045				
			EXAMINER YANG, RYAN R	
			ART UNIT 2672	PAPER NUMBER

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/996,186

Applicant(s)

DI LELLE, JUAN PABLO

Examiner

Ryan R Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 1/13/2004.

This action is final.

2. Claims 24-40 are pending in this application. Claims 24 and 32 are independent claims. In the Amendment, filed on 1/13/2004, claims 1-23 were canceled, and claims 24-40 were added.

3. This application claims foreign priority dated 4/19/2001.

4. The present title of the invention is "Generating three dimensional text" as filed originally.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 27, 28, 35 and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 27 and 35 describe the limitation "said three-dimensional preferences are defined by a movement of by a alpha-numeric input", however, this feature is not disclosed in the specification.

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Claims 28 and 36 describe the limitation "said three-dimensional preferences specify a behaviour that takes place as text is added", however, this feature is not disclosed in the specification.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 24-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Uesaki et al. (2002/0149622).

As per claim 24, Uesake et al., hereinafter Uesaki, discloses an apparatus for generating a live video broadcast in which new information to be broadcast develops during said broadcast and said new information is reflected in three dimensional text included with said broadcast, comprising:

video signal generation means for generating a live video signal (Figure 10 105);

a text input device and text input receiving means for receiving input text from said text input device (Figure 10 101);

a template storing means arranged to store a template of three dimensional preferences for input text (Figure 10 104 "templates are prepared to decide the position of a 3D character string at the animation end time", [0138] line 9-11);

text generating means for generating three dimensional text by formatting said input text in accordance with the three dimensional preferences of said template (Figure 10 201); and

combining means arranged to combine said three dimensional text with said live video signal to produce a broadcast signal (Figure 10 203).

9. As per claim 25, Uesake demonstrated all the elements as applied to the rejection of independent claim 24, supra, and further discloses said text input device is a manually operable keyboard ("This setting of characters is performed by inputting desired characters into a character setting box by means of a keyboard or the like", [0061]).

10. As per claim 26, Uesake demonstrated all the elements as applied to the rejection of independent claim 24, supra, and further discloses said text input device is a real-time database (Since the data can be input from the keyboard in real time, it is a real time database).

11. As per claim 27, Uesake demonstrated all the elements as applied to the rejection of independent claim 24, supra, and further discloses said three-dimensional preferences are defined by a movement of by a alpha-numeric input (Figure 3 lower window provides inputs to preference setting).

12. As per claim 28, Uesake demonstrated all the elements as applied to the rejection of independent claim 24, supra, and further discloses said three-dimensional preferences specify a behaviour that takes place as text is added (Figure 3 the template window specifies the behavior of the text).

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13. As per claim 29, Uesake demonstrated all the elements as applied to the rejection of independent claim 24, supra, and further discloses said three-dimensional preferences specify a rotation in two-dimensions or in three-dimensions (Figure 3 template window can specify rotation).

14. As per claim 30, Uesake demonstrated all the elements as applied to the rejection of independent claim 24, supra, and further discloses said three-dimensional preferences define a scaling factor, an extrusion, a texture, or a light source, or any combination of the aforesaid preferences ("Here, converting a character into a 3D image refers to setting the width, height, and depth of the character as prescribed lengths in the global coordinate system, and further setting a shape boundary box and a local coordinate system ... ", [0068] line 5-17, where the width and height inherently sets the scaling factor and the depth sets the extrusion).

15. As per claim 31, Uesake demonstrated all the elements as applied to the rejection of independent claim 24, supra, and further discloses said template storing means is arranged to store a plurality of available templates wherein one of said templates is selected for a particular application (Figure 3 where animation template and standstill state template provide a plurality of selections).

16. As per claim 32, Uesake discloses a method for generating a live video broadcast wherein new information to be broadcast in three-dimensional text develops during said broadcast, the method comprising;

generating a live video signal (Figure 10 105 where a live video can be generated from);

receiving input text from an input device (Figure 10 101);

reading a template of three-dimensional preferences for said input text (Figure 10 104 “templates are prepared to decide the position of a 3D character string at the animation end time”, [0138] line 9-11);

generating three-dimensional text by formatting said input text in accordance with said three-dimensional preferences of said template (Figure 10 201 and Figure 3 ten template window specifies the template); and

combing said three-dimensional text with said live video to produce a broadcast signal (Figure 10 203).

17. As per claim 33, Uesake demonstrated all the elements as applied to the rejection of independent claim 32, supra, and further discloses said text input device is a manually operable keyboard (“This setting of characters is performed by inputting desired characters into a character setting box by means of a keyboard or the like”, [0061]).

18. As per claim 34, Uesake demonstrated all the elements as applied to the rejection of independent claim 32, supra, and further discloses said text input device is a real-time database (Since the data can be input from eh keyboard in real tine, it is a real time data base).

19. As per claim 35, Uesake demonstrated all the elements as applied to the rejection of independent claim 32, supra, and further discloses said three-dimensional preferences are defined by a movement or by a alpha-numeric input (Figure 3 lower window provides inputs to preference setting).

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20. As per claim 36, Uesake demonstrated all the elements as applied to the rejection of independent claim 32, supra, and further discloses said three-dimensional preferences specify a behavior that takes place as text is added (Figure 3 the template window specifies the behavior of the text).

21. As per claim 37, Uesake demonstrated all the elements as applied to the rejection of independent claim 32, supra, and further discloses said three-dimensional preferences specify a rotation in two-dimensions or in three-dimensions (Figure 3 template window can specify rotation).

2. As per claim 38, Uesake demonstrated all the elements as applied to the rejection of independent claim 32, supra, and further discloses said three-dimensional preferences define a scaling factor, an extrusion, a texture, or a light source, or any combination of the aforesaid preferences ("Here, converting a character into a 3D image refers to setting the width, height, and depth of the character as prescribed lengths in the global coordinate system, and further setting a shape boundary box and a local coordinate system ... ", [0068] line 5-17, where the width and height inherently sets the scaling factor and the depth sets the extrusion).

23. As per claim 39, Uesake demonstrated all the elements as applied to the rejection of independent claim 32, supra, and further discloses said template storing means is arranged to store a plurality of available templates wherein one of said templates is selected for a particular application (Figure 3 where animation template and standstill state template provide a plurality of selections).



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24. As per claim 40, Uesake demonstrated all the elements as applied to the rejection of independent claim 32, supra, and further discloses said preferences define the position of said three-dimensional text (Figure 6 shows 3D text generated by preference set in Figure 3).

***Response to Arguments***

25. Applicant's arguments with respect to claims 24-40 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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***Inquiries***

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231


**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ryan Yang  
March 19, 2004



**MICHAEL RAZAVI**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600